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**3901-5-03 Continuing education course.**

(A) Purpose

The purpose of this rule is to establish a procedure for the review and approval of continuing education (CE) courses which licensed agents must complete for the purpose of maintaining their licenses.

(B) Authority

This rule is promulgated pursuant to the authority vested in the superintendent under sections 3901.041 and 3905.486 of the Revised Code.

(C) Definitions

- (1) "Classroom" means ~~the method of instruction that is delivered or presented by a qualified instructor, in which the agent and instructor are in the same physical location~~ course activities or information occurring in real time at a specific time, date and place, and delivered in person, such as but not limited to seminar or workshop by a qualified instructor. Student attendance is based on personally identifiable information (e.g., government-issued identification and signature) and student participation or interaction with course activities. Classroom courses do not require an examination.
- (2) "Completion Date" is the date on which the student completes the course, including passing any required examination.
- (3) "Course" means a self-study or classroom presentation of information on insurance and/or risk management topics, delivered in person, in print or electronically, which may be interactive or not, with successful completion measured by either attendance (classroom) or by examination (self-study).
- (4) "Course Completion Roster" means a listing of course completions, provided in a format determined by the superintendent, which includes the provider name, provider number, course name and course identification number, course completion date, student's name, national producer number (NPN), number of credits earned by each student, or any other information deemed necessary by the superintendent.
- (5) "Course Difficulty Level" is determined based on whether the course is designed for inexperienced or experienced practitioners, as well as the amount of information presented and at what pace the information is presented.
  - (a) "Basic" is a course designed for entry-level agents or agents new to the subject matter.
  - (b) "Intermediate" is a course designed for agents who have existing competence in the subject area and who seek to further develop and apply their skills.

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- (c) "Advanced" is a course designed for agents who have a strong foundation and high level of competence in the subject matter.
- (6) "Course Offering" is an approved event with a specific start and end time.
- (7) "Distance Learning" means the method of instruction that is delivered in real time and presented by a qualified instructor, in which the agent and instructor are in different physical locations and interact with each other through various methods of telecommunication, including, but not limited to video teleconference, internet conference, virtual class or webinar. Distance learning is considered a type of classroom course and shall not include self-study method of instruction.
- (8) "Interactive" means regular occurring opportunities for student participation, engagement, and interaction with course activities and information. Examples include, but are not limited to, question and answer sessions, entry of verification codes, polling, games, sequencing and matching exercises.
- (9) "Proctor" means a disinterested third party that is a minimum age of eighteen years old which can be any person except for family members or individuals who have a financial interest in the student's success on the exam. Co-workers must not be above or below in the student's line of supervision.
- ~~(2)-(10) "Self-Study" means the method of instruction that is delivered or presented without an instructor and which does not require **that an agent** a student to attend an organized **classes, class**; but does require the passage of an examination **(interactive and non interactive)**.and/or frequent interaction with courseware as a condition of progressing through the course material. (Self-study courses can be interactive or non-interactive. Course activities or information is delivered outside of real time (recorded or otherwise similarly accessible) and at any time, such as but not limited to correspondence, online, video, audio, compact disc (CD), or digital video disc (DVD). Student attendance is verified based on identity (e.g., username, password, email, and signature).~~
- ~~(3) "Distance Learning" means the method of instruction that is delivered or presented by a qualified instructor, in which the agent and instructor are in different physical locations and interact with each other through various methods of telecommunication, including, but not limited to video teleconference, internet conference or webinar. During the duration of a course offering, qualified instructors must be available to immediately respond to any questions or discussions. Distance learning shall not include self study method of instruction.~~

### (D) Application

All requests for approval of a course must be made in the manner prescribed by the superintendent and shall contain the following information-;

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- (1) A description of:
  - (a) The number of requested credit hours and length of the course. For purposes of this rule a credit hour must provide for no less than fifty minutes of instruction. Breaks, introductions, lunches, announcements, or other non-instruction time is to be excluded in calculating the credit hours requested. Each course shall be a minimum of one credit hour, and shall be in increments of whole or one-half credit hours. No course will be approved for more than twenty-one credit hours.
  - (b) The ~~lines of~~ insurance [topics](#) to which the course relates.
  - (c) The purpose or objective of the course and how the material offered will increase the knowledge of insurance and related subjects for the participants.
  - (d) The level of course difficulty (i.e. basic, intermediate, or advanced).
  - (e) The method of instruction in which the course will be delivered or presented.
  - (f) The methods utilized to provide reasonable assurance of the student's identity.
  - (g) The method(s) utilized to verify student's attendance, completion, or participation of the course. The methods utilized must be able to provide reasonable assurance of active student participation.
  - (h) The criteria used in selecting instructors. Providers must make available upon request by any person the information about the experience and qualifications of each instructor.
  - (i) The course tuition and the provider's fee refund policy, which must conform to the requirements of rule 3901-5-04 of the Administrative Code.
- (2) A detailed content outline which contains a description of each topic to be covered by the course. This outline must specify the time components spent on each topic and the description must be sufficiently detailed to justify the request for each credit hour. The outline shall contain:
  - (a) The proposed time component.
  - (b) The specific material to be covered in each time component.
  - (c) The method of presentation employed for each component.
  - (d) The justification for the time allotted to each component of the course.
  - (e) The time required to complete the course, in its entirety, without interruption.
  - (f) The identification of any component that includes a sales or marketing element.
- (3) A description of materials to be used during the course.
- (4) A statement as to whether an examination is required as part of the course and the

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minimum pass rate needed to pass the examination.

- (5) A statement as to whether the course is part of a national insurance designation program.
- (6) A statement as to whether the course is open to the public.
- (7) A copy of the promotional brochures currently in use or proposed to be used for the course once approved by the superintendent. All promotional material must include the level of course difficulty (i.e. basic, intermediate, or advanced) and any time restrictions for the completion of a course imposed upon participants.
- (8) The name of the authorized provider official as defined in rule 3901-5-02 of the Administrative Code.
- (9) The time, date, and location of the course will be held, if known.
- (10) If course approval is being requested through the use of an approved multi-state form, the provider must submit the completed form and any required attachments as noted on the form.
- (11) Any other information the superintendent may request.

### (E) Standards for review of course application

- (1) In order for a course to be approved by the superintendent as an acceptable continuing education course, at a minimum, the course must:
  - (a) Be offered by an approved provider.
  - (b) Use the most recent policy forms filed in Ohio, editions, and laws to the extent possible.
  - (c) Have significant intellectual or practical content that enhances and improves the agent's insurance knowledge or professional competence. A course should be an organized program of learning dealing with matters directly related to insurance, the insurance industry, professional competence, ethical obligations, insurance office operations or management or similar subjects that will promote the purposes of this rule.
  - (d) Meet all other criteria set forth in this rule.

### (F) Instructor qualification

- (1) The authorized provider official is responsible for verifying that instructors meet the required minimum qualifications. Instructors must meet one of the following qualification categories:
  - (a) Qualification one: the instructor or speaker holds a postgraduate degree in insurance or a related field, or has one of the following professional

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designations:

"Chartered Life Underwriter" (CLU);

"Chartered Financial Consultant" (ChFC);

"Fellow Life Management Institute" (FLMI);

"Life Underwriting Training Council Fellow" (LUTCF);

"Chartered Property and Casualty Underwriter" (CPCU);

"Certified Insurance Counselor" (CIC);

"Registered Health Underwriter" (RHU); or

"Registered Employee Benefit Consultant" (REBC).

- (b) Qualification two: the instructor or speaker has four years experience as a full-time employee or licensed agent interpreting or explaining insurance policy contracts and in addition holds as one or more of the following designations:

"Certified Employee Benefits Specialist" (CEBS);

"Certified in Long Term Care" (CLTC)

"Certified Senior Advisor" (CSA)

"Life Underwriting Training Council Graduate" (LUTC Graduate);

"Fraternal Insurance Counselor" (FIC);

"Associate in Underwriting" (AU);

"Program General Insurance" (INS);

"Accredited Advisor Insurance" (AAI);

"Associate in Claims" (AIC);

"Associate in Risk Management" (ARM);

"Associate in Premium Auditing" (AIPA);

"Associate in Management" (AIM);

"Associate in Loss Control Management" (ALCM);

"Associate in Premium Auditing" (APA);

"Associate in Research and Planning" (ARP);

"Associate in Insurance Accounting and Finance" (AIAF);

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"Associate in Marine Insurance Management" (AMIM);

"Associate in Automation Management" (AAM);

"Associate in Reinsurance" (ARE);

"Associate in Fidelity and Surety Bonding" (AFSB); or

Associate or bachelor degree with a specialization in insurance.

(c) Qualification three: the instructor has seven years of relevant experience.

(2) A provider shall verify each instructor's relevant qualifications and shall be prepared to provide evidence of such qualifications to the superintendent upon request.

(3) Instructors must be knowledgeable in the subject that they teach in a course.

(4) Instructors may receive CE credits for a course which they teach. An instructor is only eligible to receive credit for the same [course](#) once during a renewal cycle. The instructor may receive double the number of credit hours which they teach.

(5) Insurance company trainers as instructors must be full-time salaried employees of the insurance company sponsoring the course and must have as part of their full-time responsibilities the duty to provide insurance company training.

(6) College and university instructors may be full-time or adjunct faculty of the accredited college or university, must be teaching a curriculum course in his or her field of expertise, and must meet the requirements of the association that accredits the college or university.

(7) Any person that has had administrative action taken against a professional license or registration shall disclose such action to the provider prior to instructing a course, seminar, conference or lecture. If the provider wants to use this person as an instructor under its authority, the provider must notify the superintendent immediately upon receipt of such information. This person shall be ineligible to serve as an instructor, seminar or conference leader or lecturer unless written approval has been granted by the superintendent.

(G) Review of application

(1) A course application shall be made on a form prescribed by the superintendent and shall include the appropriate fee based on the fee option selected on the provider application. The superintendent shall review each application within thirty days of the date of receipt of a complete application and appropriate fees. The effective date of a course approval shall be within the superintendent's discretion.

(2) If the provider submits an initial course or renewal application that is incomplete or if the application lacks information deemed necessary by the superintendent, the application will be returned with a letter indicating areas which must be addressed

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before the review process will continue. If the superintendent does not receive the requested information by the requested response date, the filing will be considered abandoned. The course application fee is non-refundable and non-transferable.

- (3) Providers will be notified in writing of the approval of each course and of the course number assigned to it by the superintendent. A course is approved from the date of approval until December thirty-first of the same year in which the course is approved. The course must be renewed on an annual basis in order for the provider to continue offering the course. An application for renewal shall be made no later than November thirtieth each year. The superintendent shall have thirty days to review course renewal applications.
    - (a) A course renewal application shall be made on a form prescribed by the superintendent and shall include the appropriate fee based on the fee option selected on the provider renewal application.
    - (b) Any provider or associated course whose renewal has not been processed before the expiration date will automatically expire as of December thirty-first of that renewal year. The provider may not offer any course for credit until the provider and associated courses are approved by the superintendent.
  - (4) Based upon a review of the application the superintendent may approve a course for fewer credits than requested, and a provider shall only offer and award the number of credit hours as approved.
- (H) -Additional guidelines for self-study courses
- (1) A self-study course may be offered utilizing the following formats:
    - (a) On-line course with interactive chapter or section questions. This type of interactive on-line course has a series of questions at the end of each chapter or section designed to test the student's subject matter knowledge of that chapter or section. The student shall not advance to the next chapter or section until the student has successfully answered all the questions for the previous chapter or section. The student may review the material in order to answer a question. An interactive on-line self-study course is not required to have a final examination.  
An interactive on-line course must be designed so as to prevent the student from completing the course in a time unreasonably short when compared to the credit hour total approved for the course.
      - ~~(i) Interactive on-line courses must be designed so as to prevent the student from completing the course in a time unreasonably short when compared to the credit hour total approved for the course.~~
    - (b) A non-interactive on-line course which has a scored on-line final examination,

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- (c) A non-interactive on-line or paper-based course which has a mail-in final examination, or
  - (d) Any type of ~~self-study~~self-study program with a proctored final examination.
  - (e) Other types of ~~self-study~~self-study courses as the superintendent may approve.
- (2) In addition to providing all other information required pursuant to this rule, a provider shall include:
- (a) For an on-line interactive course, the number of questions that appear at the end of each chapter or section, a sample of the questions, references from the questions back to the text if requested by the superintendent, and a copy of the answer key for the sample questions; or
  - (b) For a course which requires a final examination, the number of examination questions which will appear on the student's examination, references from the examination back to the text if requested by the superintendent, and a copy of the examination answer key with the application. The answer key shall indicate the total amount of credit possible for answering each question correctly. If essay questions are employed in the examination there must be an explanation as to how essay questions will be graded.
- (3) A provider shall require each agent to enroll and pay for the course before having access to the course material.
- (4) A provider shall prevent access to the course unit/chapter questions and final exam before the agent reviews the course materials.
- (5) A provider shall prevent downloading and printing of any course unit/chapter question and final exam.
- (6) The following are minimum requirements for self-study final examination and for on-line interactive chapter/section questions:
- (a) Multiple choice items must have a minimum of four options.
  - (b) Multiple choice items must have only one correct response.
  - (c) Multiple choice answers must be grammatically consistent and parallel in form to eliminate obviously wrong answers.
  - (d) No correct answer to one question shall provide a clue to the correct answer to any other questions in the chapter/section questions or final examination.
  - (e) -Questions shall be clearly written.
  - (f) -Questions shall adequately cover the course material set out in the course outline.
  - (g) Answers to the questions shall not be in a discernable pattern.

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- (h) Final exam questions must not duplicate any unit/chapter questions.
  - (7) In order to obtain credit for a self-study course the licensee must either:
    - (a) Complete an interactive on-line course having answered one hundred percent of each chapter's/section's questions correctly; or
    - (b) Receive a grade of seventy percent or greater on the final examination.
  - (8) A final examination shall be administered only upon completion of the self-study course and shall meet the minimum requirements:
    - (a) Final examinations must consist of a minimum of ten questions for each credit hour requested.
    - (b) A self-study course that includes a final examination shall have at least enough questions to fashion a minimum of two versions with at least fifty per cent of the question being new/different in each subsequent version.
  - (9) Providers offering self-study courses must have qualified instructors available to respond to questions within forty-eight hours by telephone or email.
  - (10) At the conclusion of a self-study final examination, the proctor must sign an affidavit attesting that the student completed the exam without assistance from any person, course material, or reference material. The proctor must provide their name, address, and phone number on the affidavit. Providers must be able to prevent the issuance of a proctor/~~disinterested third-party~~-affidavit and student affidavit until the course and course examination is successfully completed. Affidavits may be ~~submitted~~ administered and signed electronically ~~to provider~~.
  - (11) Each student shall certify that he or she completed the course and, if applicable, the examination without assistance. If the examination is monitored, the provider or proctor may check ID to identify students.
  - (12) Details on how the examination materials are to be returned to the provider shall be included in the instructions.
  - ~~(13) Providers who currently have an approved self study course as of January 1, 2011, must adjust the course to comply with the requirements of this rule. Courses must be submitted for reevaluation to the superintendent or the superintendent's designee no later than December 31, 2011 to adjust their courses to comply with the revised requirements. The provider will need to pay any required course application fee when submitting a self study course for reevaluation.~~
- (I) Additional guidelines for distance learning courses
- (1) Distance learning must:

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(a) Be conducted in real time at all locations and require each student to log into course using a distinct username, password, and/or email.

~~(a)-(b)~~ Be designed such that students actively participate in the instructional process, by utilizing techniques that require substantial student interaction with the instructor, other students, or a computer program. The course design must not permit students to sit passively and observe instruction or read instructional material. The provider must have a process to determine when a student is inactive or not fully participating, such as when the screen is minimized, or the participant does not answer the polling questions and/or verification codes. No less than three methods of interactive activities must be asked at unannounced intervals during each one-hour course session to determine student attentiveness.

A provider may administer examinations to students for the purpose of verifying participation and evaluating the effectiveness of the distance learning course, but passage of an examination by a student shall not be a condition for advancement to a subsequent section of the course or successful completion of the course, unless the course is part of a national designation program which requires the passage of an examination.

~~(b)-(c)~~ Utilize only instructors who are qualified according to Ohio's instructor guidelines pursuant to paragraph (E) of this rule.

~~(e)-(d)~~ Have appropriate instructor and technical support to enable students to satisfactorily complete the course. The provider shall maintain an electronic roster to include records for each student's log-in/log-out times. Chat history and interactive responses should be captured as part of the electronic records.

~~(d)-(e)~~ Utilize procedures that provide reasonable assurance of student identity ~~and that the student receiving the continuing education credit actually performed all the work required to satisfactorily complete the course.~~ Provider must verify the identity and national producer number (NPN) of all students.

~~A provider may administer examinations to licensees for the purpose of verifying participation and evaluating the effectiveness of the distance learning course, but passage of an examination by a licensee shall not be a condition for advancement to a subsequent section of the course or successful completion of the course, unless the course is part of a national designation program which requires the passage of an examination.~~

(f) Have a provider representative monitor attendance throughout the course and that the student receiving the continuing education credit actually performed all the work required to satisfactorily complete the course. When a student is deemed inactive, or not fully participating in the course, continuing education credit

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must be denied. The provider must inform each student in advance of course participation of the course participation requirements and the consequences for failing to actively participate in the course.

(2) The provider must provide the students with an orientation or information package which contains all necessary information about the course subject matter and learning objective; procedures and requirements for satisfactory course completion, special requirements with regard to computer hardware and software or other equipment, and the availability of instructor or technical support.

(3) Students must be able to interact in real time with qualified instructor(s). Students should be able to submit questions or comments at any point during the course. A student cannot be capable of independently completing the course.

~~(3)~~ (4) The title of the course must clearly state that it is a distance learning course.

~~(4) The course, when taken without interruption, consists of no more than six hours of distance education.~~

(5) No partial credit shall be granted for courses approved as a distance learning course.

### (J) Organization or association meeting credit

A state insurance professional association or organization that is an approved provider pursuant to rule 3901-5-02 of the Administrative Code and that is affiliated with a national association or organization may file a course application and roster for annual association meetings conducted by the national association or organization.

(1) The course application must be filed prior to the meeting.

(2) The method of attendance verification shall be determined by the provider.

(3) Fees.

(a) No course fee shall be charged.

(b) The roster fee must be paid.

### (K) Professional association membership credit

A local, regional, state or national professional insurance association that is an approved provider pursuant to rule 3901-5-02 of the Administrative Code may file a course application and roster for association membership credit.

(1) The provider must file with the superintendent of insurance for approval of a course number to be shown on all certificates issued for association membership CE credit prior to any participation activity that may result in association membership credit being offered.

(2) The local, regional, state or national professional insurance association must meet, at

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the minimum, the following qualifications:

- (a) Must be organized as an association or corporation under state law;
  - (b) Must be based on paid memberships which renew annually or biennially for an additional membership fee;
  - (c) Must be organized for the express purpose of promoting the interests of insurance licensees or a class of insurance licensees;
  - (d) Local and regional associations must have been in existence for at least seven years prior to applying for course approval to offer association membership credit. State and national associations must have been in existence for at least five years prior to applying for course approval to offer association membership credit;
  - (e) Must have been formed for purposes other than providing CE credits to meet state educational requirements;
  - (f) Must have an active membership base of at least one hundred fifty, individually licensed insurance agents which are dues paying members of the association.
  - (g) Must submit a course application on a form prescribed by the superintendent and shall include the appropriate fee based on the fee option selected on the application. Course approval shall be authorized from the date of approval until December thirty-first of the same year in which the course is approved; and
  - (h) The course must be renewed on an annual basis in order for the provider to continue offering association membership credit. An application for renewal shall be made no later than November thirtieth each year on a form prescribed by the superintendent and shall include the appropriate fee based on the fee option selected on the renewal application.
- (3) The method of verification of qualified participation activity shall be determined by the provider.
- (4) The association is responsible for determining if participation in a meeting, program or affiliation qualifies for association credit and for the number of appropriate association credits earned. If the association determines that a requested activity does not qualify for association membership credit, the provider shall send a letter to the licensee within ten calendar days of the decision with an explanation as to why credit was not granted.
- (5) The provider shall submit association membership credit requests to the superintendent on a form prescribed by the superintendent pursuant to the submission requirements of paragraph (D)(5) in rule 3901-5-04 of the Administrative Code.

(L) Severability

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If any paragraph, term, or provision of this rule is adjudged invalid for any reason, the judgment shall not affect, impair or invalidate any other paragraph, term or provision of this rule, but the remaining paragraphs, terms and provisions shall be and continue in full force and effect.